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**AUG 19 1997**

PAT. & T.M. OFFICE  
 BOARD OF PATENT APPEALS  
 AND INTERFERENCES

Applicants: Twardowski et al.  
 Serial No.: 08/412,114  
 Filed: 3/28/95  
 For: MULTIPLE LUMEN CATHETER  
 FOR HEMODIALYSIS  
 Accorded Benefit of: U.S.  
 Serial Nos. 08/045,016,  
 filed 4/8/93, now Patent  
 No. 5,405,320, issued  
 4/11/95; 07/772,613,  
 filed 10/8/91, now Patent  
 No. 5,209,723, issued  
 5/11/93; and 07/461,684,  
 filed 1/8/90, now abandoned

The case referred to above has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with other cases hereafter specified. Attention is directed to the fact that this interference is declared pursuant to 37 CFR § 1.601 *et seq.*, effective April 21, 1995 (60 Fed. Reg. 14,488, 1173 Off. Gaz. 384). The interference is designated as No. 103,988.

By direction of the Commissioner of Patents and Trademarks and as required by 35 U.S.C. § 135(c), notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference."

Serial No. 08/412,114

The cases involved in this interference are:

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Serial No.: 07/680,449, filed 4/4/91, now U.S. Patent No.  
5,156,592, issued 10/20/92  
For: PRE-CURVED DUAL LUMEN CATHETER  
Assignee: None  
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Accorded Benefit of: Canadian Patent Application 2,013,877,  
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Serial No.: 08/412,114, filed 3/28/95  
For: MULTIPLE LUMEN CATHETER FOR HEMODIALYSIS  
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Accorded Benefit of: U.S. Serial Nos. 08/045,016, filed 4/8/93,  
now Patent No. 5,405,320, issued 4/11/95;  
07/772,613, filed 10/8/91, now Patent No.  
5,209,723, issued 5/11/93; and 07/461,684,  
filed 1/8/90, now abandoned.

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Count 1

A catheter for hemodialysis which comprises a flexible catheter tube defining a plurality of separate lumens, said catheter defining an arc angle of generally U-shape in its natural, unstressed configuration, whereby said catheter may be implanted with a distal catheter portion residing in a vein of a patient, said distal catheter portion being of substantially the shape of said vein in its natural, unstressed condition, and a


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proximal catheter portion residing in a surgically created tunnel extending from said vein and through the skin of the patient, whereby blood may be removed from said vein through one lumen of the catheter and blood may be returned to said vein through another lumen of the catheter.

The claims of the parties which correspond to this count are:

Martin et al.: Claims 1-18

Twardowski et al.: Claims 1 and 19-38

  
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JOHN C. MARTIN  
Administrative Patent Judge  
(703) 308-9797

JCM:clm

## INTERFERENCE DIGEST

Interference No. 103,988 Paper No. 10  
Name, Twardowski et al.  
Serial No. 08/412,114 Patent No. --None--  
Title, MULTIPLE LUMEN CATHETER FOR HEMODIALYSIS  
Filed, 3/28/95  
Interference with Martin et al.

### DECISION ON MOTIONS

Examiner-in-Chief, J. Martin Dated, 1/5/01

### FINAL DECISION

Board of Patent Appeals and Interferences, \_\_\_\_\_ Dated, \_\_\_\_\_  
  
Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### REMARKS

# 11 Rehear letter repl. count 1/08/01

This should be placed in each application or patent involved in interference in addition to the interference letters.